

103^D CONGRESS
2^D SESSION

H. R. 4386

To amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf War veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1994

Mr. MONTGOMERY (for himself, Mr. SLATTERY, Mr. ROWLAND, Mr. BILIRAKIS, Mr. KENNEDY, Mr. CLEMENT, Mr. STEARNS, and Mr. BISHOP) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, authorizing the Secretary of Veterans Affairs to provide compensation to veterans suffering from disabilities resulting from illnesses attributed to service in the Persian Gulf theater of operations during the Persian Gulf War, to provide for increased research into illnesses reported by Persian Gulf War veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans’ Persian Gulf
3 War Benefits Act”.

4 **SEC. 2. CONGRESSIONAL FINDINGS.**

5 The Congress makes the following findings:

6 (1) During the Persian Gulf War, members of
7 the Armed Forces were exposed to numerous poten-
8 tially toxic substances, including fumes and smoke
9 from military operations, oil well fires, diesel ex-
10 haust, paints, pesticides, depleted uranium, infec-
11 tious agents, chemoprophylactic agents, and indige-
12 nous diseases, and were also given multiple immuni-
13 zations. Threats of enemy use of chemical and bio-
14 logical warfare heightened the psychological stress
15 associated with the military operation.

16 (2) Significant numbers of veterans of the Per-
17 sian Gulf War are suffering from illnesses, or are ex-
18 hibiting symptoms of illness, that cannot now be di-
19 agnosed or clearly defined. As a result, many of
20 these conditions or illnesses are not considered to be
21 service connected under current law for purposes of
22 benefits administered by the Department of Veter-
23 ans Affairs.

24 (3) Scientists have concluded that the complex
25 biological, chemical, physical, and psychological envi-
26 ronment of the Southwest Asia theater of operations

1 produced complex adverse health effects in Persian
2 Gulf War veterans and that it appears that no single
3 disease entity or syndrome exists. Rather, it appears
4 that the illnesses suffered by those veterans result
5 from multiple illnesses with overlapping symptoms
6 and causes that have yet to be defined.

7 (4) In response to concerns regarding the
8 health-care needs of Persian Gulf War veterans, par-
9 ticularly those who suffer from illnesses or condi-
10 tions for which no diagnosis has been made, the
11 Congress, in Public Law 102–585, directed the es-
12 tablishment of a Persian Gulf War Veterans Health
13 Registry, authorized health examinations for veter-
14 ans of the Persian Gulf War, and provided for the
15 National Academy of Sciences to conduct a com-
16 prehensive review and assessment of information re-
17 garding the health consequences of military service
18 in the Persian Gulf theater of operations and to de-
19 velop recommendations on avenues for research re-
20 garding such health consequences. In Public Law
21 103–210, the Congress authorized the Department
22 of Veterans Affairs to provide health care services on
23 a priority basis to Persian Gulf War veterans. The
24 Congress also provided in Public Law 103–160 (the
25 National Defense Authorization Act for Fiscal Year

1 1994) for funding for the establishment of a special-
2 ized environmental medical facility for the conduct
3 of research into the possible health effects of expo-
4 sure to low levels of hazardous chemicals especially
5 among Persian Gulf veterans and for research into
6 the possible health effects of battlefield exposure in
7 such veterans to depleted uranium.

8 (5) Further research and studies must be un-
9 dertaken to determine the underlying causes of the
10 illnesses suffered by Persian Gulf War veterans and,
11 pending the outcome of such research, veterans who
12 are seriously ill as the result of such illnesses should
13 be provided compensation benefits to offset the im-
14 pairment in earnings capacities they may be experi-
15 encing.

16 **SEC. 3. PURPOSES.**

17 The purposes of this Act are—

18 (1) to authorize the Secretary of Veterans Af-
19 fairs to provide compensation for a period not to ex-
20 ceed 3 years to Persian Gulf War veterans who suf-
21 fer disabilities resulting from illnesses that cannot
22 now be diagnosed or defined, and for which other
23 causes cannot be identified,

24 (2) to require the Secretary of Veterans Affairs
25 to develop at the earliest possible date case assess-

1 ment strategies and definitions or diagnoses of such
2 illnesses,

3 (3) to promote greater outreach to Persian Gulf
4 War veterans and their families to inform them of
5 the services and benefits to which they are currently
6 entitled, and

7 (4) to ensure that research activities and ac-
8 companying surveys of Persian Gulf War veterans
9 are appropriately funded and undertaken by the De-
10 partment of Veterans Affairs.

11 **SEC. 4. DEVELOPMENT OF CASE ASSESSMENT PROTOCOL,**
12 **CASE DEFINITION, AND OUTREACH PRO-**
13 **GRAM FOR PERSIAN GULF WAR VETERANS.**

14 The Secretary of Veterans Affairs, in consultation
15 with the Secretary of Defense and the Secretary of Health
16 and Human Services, shall—

17 (1) develop and implement at the earliest pos-
18 sible date a uniform case assessment protocol that
19 will ensure thorough assessment, diagnosis, and
20 treatment of all Persian Gulf War veterans suffering
21 from illness attributed to service in the Southwest
22 Asia theater of operations during the Persian Gulf
23 War;

24 (2) expedite efforts to develop case definitions
25 or diagnoses for illnesses associated with such serv-

1 ice and seek to complete development of such case
2 definitions or diagnoses at the earliest possible date;
3 and

4 (3) develop and implement a comprehensive
5 outreach program to inform Persian Gulf War veter-
6 ans and their families of health-care services, includ-
7 ing comprehensive medical evaluations for such vet-
8 erans, or other benefits or services that may be pro-
9 vided by the Department of Veterans Affairs or the
10 Department of Defense.

11 **SEC. 5. COMPENSATION BENEFITS FOR DISABILITY RE-**
12 **SULTING FROM ILLNESS ATTRIBUTED TO**
13 **SERVICE DURING THE PERSIAN GULF WAR.**

14 (a) IN GENERAL.—(1) Chapter 11 of title 38, United
15 States Code, is amended by adding at the end of sub-
16 chapter I the following new section:

17 **“§1117. Compensation for disabilities associated**
18 **with Persian Gulf War**

19 “(a) The Secretary shall pay compensation under this
20 subchapter to a Persian Gulf veteran suffering from a
21 chronic disability resulting from an undiagnosed illness (or
22 combination of undiagnosed illnesses) that became mani-
23 fest to a degree of 10 percent or more within one year
24 after the last date on which the veteran performed active

1 military, naval, or air service in the Southwest Asia thea-
2 ter of operations while on active duty.

3 “(b) A disability for which compensation under this
4 subchapter is payable shall be considered to be service con-
5 nected for purposes of all other laws of the United States.

6 “(c) Compensation may not be paid under this sec-
7 tion with respect to a disability occurring in a veteran—

8 “(1) where there is affirmative evidence that
9 the disability was not incurred by the veteran during
10 service in the Persian Gulf theater of operations
11 during the Persian Gulf War; or

12 “(2) where there is affirmative evidence to es-
13 tablish that an intercurrent injury or illness which is
14 a recognized cause of the disability was suffered by
15 the veteran between the date of the veteran’s most
16 recent departure from that theater of operations
17 while on active duty and the onset of the disability.

18 “(d) The Secretary may not make payments under
19 this section with respect to a disability for which com-
20 pensation is paid under this section for any month after
21 the month during which the Secretary determines that
22 such disability is not related to service in the Southwest
23 Asia theater of operations during the Persian Gulf War.

24 “(e) For purposes of this section, the term ‘Persian
25 Gulf veteran’ means a veteran who served on active duty

1 in the Armed Forces in the Southwest Asia theater of op-
2 erations during the period beginning on August 2,1990,
3 and ending on the date of the enactment of this section.

4 “(f) No payment may be made under this section for
5 any month that begins after the end of the three-year pe-
6 riod beginning on the date of the enactment of this sec-
7 tion.”.

8 (2) The table of sections at the beginning of such
9 chapter is amended by inserting after the item relating
10 to section 1116 the following new item:

“1117. Presumption of service connection for illnesses associated with Persian
Gulf War.”.

11 (b) EFFECTIVE DATE.—Section 1117 of title 38,
12 United States Code, as added by subsection (a), shall take
13 effect on October 1, 1994.

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS FOR PER-**
15 **SIAN GULF ILLNESS RESEARCH.**

16 There is authorized to be appropriated to the Depart-
17 ment of Veterans Affairs \$5,000,000 for each of fiscal
18 years 1995 through 1997 for the conduct of research,
19 which the Secretary, in consultation with the Secretary of
20 Defense and the Secretary of Health and Human Services,
21 determines would advance understanding of health risks
22 and effects of service during the Persian Gulf War and
23 effective means of treating such health effects.

1 **SEC. 7. SURVEY OF PERSIAN GULF VETERANS.**

2 (a) IN GENERAL.—There is authorized to be appro-
3 priated to the Department of Veterans Affairs \$5,000,000
4 for fiscal year 1995 for the conduct of a survey of Persian
5 Gulf veterans to gather information on the incidence and
6 nature of health problems occurring in Persian Gulf veter-
7 ans and their families.

8 (b) COORDINATION WITH DEPARTMENT OF DE-
9 FENSE.—The survey shall be carried out in coordination
10 with the Secretary of Defense.

11 (c) PERSIAN GULF VETERAN.—For purposes of this
12 section, a Persian Gulf veteran is an individual who served
13 on active duty in the Armed Forces in the Southwest Asia
14 theater of operations during the Persian Gulf War as de-
15 fined in section 101(33) of title 38, United States Code.

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